## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

NICOLE IMBEAULT on behalf of herself, all ) others similarly situated, and the Proposed ) New York Rule 23 Class, )	Case No. 08-CV-5458 (GEL)
Plaintiff, )	
vs. )	AFFIDAVIT OF STEVEN ANDREW
RICK'S CABARET INTERNATIONAL INC., ) RCI ENTERTAINMENT (NEW YORK) INC., )	SMITH
PEREGRINE ENTERPRISES, INC.,	
Defendants. )	

- 1. I am one of the attorneys for the Plaintiff in the above-entitled matter. I have personal knowledge of the facts set forth in this Affidavit and if called as a witness for this purpose, I could and would testify competently under oath to them.
- 2. I submit this Affidavit in support of Plaintiff's Motion for Attorneys' Fees and Costs.
- 3. The hourly rate at which I bill at Nichols Kaster, PLLP in class action cases is \$425.00.
- 4. I have been practicing employment law for over thirteen years, am a partner with Nichols Kaster, PLLP, and practice solely in the area of plaintiffs' employment litigation.
- 5. I have tried numerous cases to verdict, including seven within the last 18 months, once of which was in a Rule 23 class action. I have argued four cases before the 8<sup>th</sup> Circuit Court of Appeals.

- 6. I have been named a "Super Lawyer" for each of the last eight years by *Minnesota Law and Politics*, and *Minneapolis St. Paul Magazine*.
- 7. I was named one of the Top 100 Attorneys in Minnesota for 2007 and one of the Top 40 Employment Attorneys in Minnesota in 2004, 2005, 2006, 2007, and 2008.
- 8. I have authored numerous articles, participated in numerous legal seminars and conventions on employment and trial practice issues, and am a frequent lecturer on current employment related topics.
  - 9. Attached hereto as Exhibits are true and correct copies the following:
    - **Exhibit A:** Defendant's Offer of Judgment;
    - **Exhibit B:** Nicole Imbeault's Notice of Acceptance of Judgment with exhibit;
    - **Exhibit C:** Nichols Kaster, PLLP Attorney's Fees through February 9, 2009;
    - **Exhibit D:** Nichols Kaster, PLLP Costs through February 9, 2009;
    - Exhibit E: Moon v. Gab Kwon 2002 WL 31512816, Case No. 99 Civ. 11810 (GEL) (S.D.N.Y.);
    - Exhibit F: Hnot v. Willis Group Holdings, Ltd., 2008 WL 1166309, Case No. 01 Civ. 6558 (GEL) (S.D.N.Y.);
    - Exhibit G: Torres v. City of New York 2008 WL 419306, Case No. 07 Civ. 3473 (GEL) (S.D.N.Y.);
    - Exhibit H: N.Y. City Dist. Council of Carpenters Pension Fund v. Quantum Construction
      2008 WL 5159777, Case No. 06 Civ. 13150 (GEL)(JCF)
      (S.D.N.Y.);
    - Exhibit I: Starkey v. Somers Central School District 2008 WL 5378123, Case No. 02 Civ. 2455 (SCR) (S.D.N.Y.);

**Exhibit J:** Pappas v. Watson Wyatt & Company

2008 WL 45385, Case No. 3:04CV304 (EBB)

(D. Conn.);

**Exhibit K:** Krauth v. Executive Telecard, Ltd.

1996 WL 29420, Case No. 95 Civ. 3967 (RWS)

(S.D.N.Y.); and

**Exhibit L:** Heng Chan v. Sung Yue Tung Corp.

2007 WL 1373118, Case No. 03 Civ. 6048 (GEL)

(S.D.N.Y.).

FURTHER YOUR AFFIANT SAYETH NOT.

/s/Steven Andrew Smith_	
Steven Andrew Smith	

Subscribed and sworn to before me This \_\_9\_\_ day of March, 2009.

/s/Ariana E. Lowther
Notary Public